

CITY COUNCIL

Public Safety Committee

Monday, October 3, 2011

Agenda

5:30 p.m.

Committee Members: D. Sterner, Chair; J. Waltman; M. Goodman-Hinnershitz

Although Council committee meetings are open to the public, public comment is not permitted. However, citizens are encouraged to attend and observe the committee meetings. Comment from citizens or professionals during the meeting may be solicited on agenda topics via invitation from the Committee Chair.

- I. Update Citizens Services Center Implementation Report**
- II. Quality of Life Ticketing Implementation Report**
- III. Update Property Maintenance Code & Plumbing Code Amendment**
- IV. Housing and Zoning (CE01 & CD01)**
 - a. Review Draft Ordinance from External Legal Counsel
 - b. Housing Registration (attached) & Inspection – fee for billing for inspection as per Maximus
 - c. Review Draft Zoning Ordinance Amendment
 - d. Discuss process for properties requiring Conditional Use hearing that are currently in the zoning application backlog (approximately 700 properties)
- V. PS Goal 10: Support Public Safety at City Schools**
 - e. Update – meeting held January 19

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

Public Safety Goals

Goal 1: Coordination of Police, Codes and Zoning Services

Goal 2: Support Problem Oriented Policing

Goal 3: Surveillance Camera Project - *underway*

Goal 4: Support Consolidation of Fire Departments - *underway*

Goal 5: Support Update of Emergency & Pandemic Plan (including NIMS Training for all required personnel) - *underway*

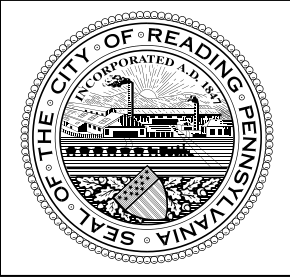
Goal 6: Support Health and Safety Review Ordinances

Goal 7: Support Cops and Codes Sweeps

Goal 8: Support Implementation of Sidewalk Café and Sales Ordinances - *complete*

Goal 9: Support Implementation of Sidewalk Vendor Ordinance -*complete*

Goal 10: Support Public Safety at City Schools



CITY COUNCIL

Public Safety Committee

**Wednesday, September 7, 2011
Council Office
5 p.m.**

Committee Members Attending: D. Sterner, Chair, M. Goodman-Hinnershitz

Others Attending: L. Kelleher, V. Spencer, C. Younger, C. Geffken, R. Natale, W. Heim, K. Kulp, C. Weidel

Mr. Sterner, Chair, called the Public Safety Committee to order at approximately 5:10pm.

I. Citizen's Service Center: Implementation Update

Ms. Weidel, while distributing the August report, explained that the report issued for July had some inconsistencies and errors. She stated that the errors have been corrected in the report distributed tonight. The report shows that during the month of August 1,095 complaints received were resolved and 558 complaints remain open. She explained that Police and Fire issues or complaints are not assigned an SR number.

Ms. Kelleher noted the recurring problem with complaints being closed out before they are truly resolved. As an example, she used a recent complaint regarding a perceived group home on Hampden Boulevard where by the complaint was closed when the Zoning Enforcement Officer stated that he would visit the property. She stated that the complaint should remain open until the inspector determines that either the property is not a group home or the property is brought into compliance.

Mr. Geffken stated that they are currently working to correct this issue. Ms. Weidel stated that training is occurring with various departments. Mr. Geffken stated that currently the update information is contained in a field that can be changed or deleted by subsequent users. He explained that update area will be moved into a "log" area within the Hansen system. He also

noted that although while SR's will remain unresolved longer updates will be able to be obtained through the "log" tab.

Ms. Goodman-Hinnershitz inquired about the timelines to address complaints. She described the process used by Children and Youth Services.

Ms. Weidel and Mr. Geffken stated that they are also working to incorporate timelines into the complaint system. Mr. Natale stated that Codes already assigns a priority value and timelines. He explained that a Quality of Life type complaint will be closed out after a ticket is issued; however in a more severe situation that warrants a Notice of Violation (NOV) the complaint is marked closed when a NOV is issued.

Mr. Sterner noted the poor follow-up for complaints issued.

Ms. Goodman-Hinnershitz noted the need for improved communication with the Council office regarding definition of terms and practices.

Ms. Weidel offered to begin filing a report for all Council related complaints that are logged into the system.

Mr. Sterner inquired if the Council office walk-ins have reduced. Ms. Kelleher stated that the number of walk-ins has reduced over the past weeks.

Ms. Kelleher also explained that Council staff has discovered the origination of the calls coming from the 6187 number. She explained that people calling through this number are accessing the Council office information through the website. More people are using their computers to access City office phone numbers from the City's website and when they select the Council office number, the number is forwarded through the 6187 line.

Mr. Spencer inquired if Police and Fire complaints can go directly to the department Chief or if they must go through the Managing Director's office. Mr. Geffken stated that unless an emergency situation exists, complaints to the Police and Fire Chief should continue to go through the Managing Director's office.

Mr. Sterner inquired about problems that residents have over weekends when emergencies exist. He suggested having the Citizen's Service Center manned during weekend hours. Mr. Natale explained that residents experiencing emergencies over weekends should dial the Non-Emergency Police number as the Desk Sergeant has all critical contact information.

Ms. Goodman-Hinnershitz suggested that internal offices that are not 24/7 operations should add the emergency contact information at the end of the voicemail message that picks up during closed hours.

Quality of Life Ticketing Update

Mrs. Kelleher distributed a handout provided by Mr. Kersley.

Mr. Geffken explained that the following district breakout, year to date.

- District 2: 2,178 tickets were issued
- District 3: 2,140 tickets were issued
- District 4: 1,587 tickets were issued
- District 5: 2,311 tickets were issued
- District 6: 1,582 tickets were issued
- District 1: 679 tickets were issued

Ms. Kelleher inquired why the District 1 tickets appear so low as the Quality of Life violations appear to be much more significant in the South of Penn area. Mr. Natale stated that he will follow-up.

Mr. Spencer inquired if the Quality of Life ticketing occurs on Saturdays. Mr. Geffken replied affirmatively. Mr. Spencer inquired if the Quality of Life Officers issue tickets when they discover illegal construction projects. Mr. Natale stated that when Codes Officials discover construction projects occurring over weekends, the projects are reported to the Trades office and the Trades office follows up. He explained that the Trades office is responsible for issuing permits and oversight of projects. He stated that projects that are not properly completed with the required permit must be redone as directed by the Trades Inspectors. Mr. Natale stated that of the 349 appeals heard to date, 108 have been refunded.

In regard to the discovery illegal construction projects, Mr. Natale explained that the construction or Trade's permit fee doubles if a permit was not obtained prior to the job completion, unless the contractor or party was correcting an emergency situation.

Housing and Zoning

Ms. Kelleher stated that the housing permit ordinance is progressing nicely. She stated that Mr. Natale, Ms. Butler, and Mr. Kersley are meeting regularly to work through various issues. She stated that a recent meeting occurred to discuss clearing the backlog of properties that will come before Council for Conditional Use. She also explained that under the proposed ordinance, approximately one half of the 1,479 properties will receive Zoning permits and the remaining properties will require Conditional Use hearings. She stated that the group discussed various proposals which were reviewed by Mr. Younger this morning. She stated that this afternoon Ms. Butler informed the group that Mr. Younger determined that under the ordinance and the PaMPC, a quorum of Council is not required for a conditional use hearing and that one member of Council or an independent solicitor can conduct a hearing and potentially make a decision. Mr. Younger noted the need to define this process.

Mr. Natale stated that after meetings he has been working with Mr. Kersley and Mr. Tangredi to automate the Housing Permit process which will reduce mistakes.

Mr. Geffken inquired on the progress of the Act 90 work group. Ms. Kelleher explained that the Act 90 work group met a few weeks ago to discuss implementing two (2) additional Blighted Property tools authorized by Act 90. She stated that the group discussed the tool allowing the City to revoke permits and licenses for property owners with delinquencies and Codes violations and the tool which allows District Attorney's office to file criminal charges and extradite property owners who have four (4) or more convictions at the Magisterial District Justice or Berks County Court of Pleas level.

Mr. Natale noted the difficulty Codes has had in obtaining convictions through the Magisterial District Justices offices.

Ms. Kelleher explained that after discussion with various City offices, a sample list of property owners for both tools has been identified. Mr. Natale will work with Ms. Butler to determine which cases will be tested.

Mr. Natale distributed a monthly report showing Property Maintenance activities, running from January through July. He stated that he will supply this report to the Committee monthly.

Ms. Kelleher noted a great number of rental properties visited and brought into compliance. Mr. Natale explained that illegal rental properties are identified through complaint and the monthly memo issued by the Council office.

Mr. Geffken stated that the determination of the Housing permit fee is under way and should be completed soon. He stated that Housing permit billing for 2011 should occur by the beginning of October. Ms. Kelleher noted that after that, housing permit billing will occur annually, April 1st, as required by the new ordinance.

Property Maintenance & Plumbing Codes Amendment Update

Mr. Sterner explained that he discussed this issue with Ms. Butler before the start of the Committee meeting. He stated that Ms. Butler explained that the updates to the Property Maintenance Code are almost complete and that Ms. Butler noted the need to incorporate some of the blighted property tools.

Mr. Natale also noted that the 2012 Property Maintenance Code has just been released and needs to be reviewed against the current draft before it can be finalized. Mr. Sterner stated that the Property Maintenance Code should be available for review at a Committee of Whole meeting planned for October 3rd.

Police Radio System

Chief Heim stated that a recent electrical storm caused some damage to the Police radio system. He stated that currently the radio system is working sporadically but the Department has a redundant system via cell phone, etc. He stated that work is being conducted to correct the deficiency.

Safety at Schools

Mr. Spencer asked Ms. Kelleher to contact Ms. Gresh at the Reading School District to arrange another Public Safety at the Schools meeting. Mr. Denbowski arrived and suggested that the City and School District apply jointly for a grant to create safe corridors. He stated that the maximum amount available \$10K.

Fire Station Rehab

Mr. Sterner inquired about the relocation of the Fire apparatus from the 8th and Court Street Fire Station. Chief Kulp stated that the apparatus has been relocated to another Fire Station due to work on the stations roof. He explained that rehab will also occur to the EMS building and to the 9th and Marion Fire Station.

Ms. Goodman-Hinnershitz noted that at a recent Council meeting the IAFF President claimed that the City has been intentionally ignoring the maintenance of fire stations. Chief Kulp stated that the IAFF is aware that the City is working to correct the various deficiencies such as new roofing, painting, mold removal, etc. He explained the prioritization of the rehab schedule.

Police Update

Chief Heim stated that the Department is managing well with the current number of officers. He stated that although shootings and homicides have increased, they are not increasing at prior rates. He stated that the current class at the Academy will begin field training within the next month. He stated that a new class of Officers is expected to start in January.

Mr. Spencer inquired about the success of the new bilingual testing. Chief Heim reported that two additional candidates were hired due to the bilingual test. He expressed the belief that the bilingual test is working positively.

Flood Update

Chief Kulp explained that the normal level of the Schuylkill River is 11.6 ft. He explained that the action stage goes into effect when the river rises to 14.5 ft and the flood stage goes into effect when the river reaches 15.5 ft. He explained that the recent storm is projected to raise the Schuylkill River to 17.9 ft. He stated that the situation should be similar to Agnes in the early seventies due to the over saturation of the ground caused by the numerous rain events that have occurred during the month of August. He stated that this flood level will be approximately equal to the flood event that occurred a few years ago.

Ms. Goodman-Hinnershitz inquired about the condition of Engelmann's Dam. Chief Kulp explained that Public Works monitors the conditions of dams.

Mr. Acosta inquired about how the Department contacts residents to warn them about potential flooding. Chief Kulp stated that personal contact is made with affected residents. Chief Heim added that as the river is expected to hit the flood level sometime after midnight, Police Officers have been advised to begin warning residents within the next few hours.

Ms. Reed noted the need for concise emergency communication with the public and the media.

The Public Safety Committee meeting adjourned at approximately 6:47 pm.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

ORDINANCE __-2011

AN ORDINANCE AMENDING CHAPTER 11, HOUSING - RENTAL, PART 1, PROVIDING FOR THE ISSUANCE, DENIAL, OR REVOCATION OF RENTAL HOUSING PERMITS; AUTHORIZING THE ZONING ADMINISTRATOR TO APPROVE OR DENY THE ISSUANCE OF ZONING PERMITS FOR PREVIOUSLY REGISTERED RENTAL UNITS AND TO DENY NON-CONFORMING APPLICATIONS; PROVIDING FOR ANNUAL RENTAL HOUSING PERMITS; ESTABLISHING A SURCHARGE FOR FAILING TO APPLY FOR TIMELY RENEWAL OF A RENTAL HOUSING PERMIT; PROSCRIBING THE FAILURE TO TIMELY APPLY FOR A NEW RENTAL PERMIT FOLLOWING THE ACQUISITION OF RENTAL PROPERTY AND DECLARING THE SAME AN OFFENSE; PROVIDING FOR THE IMPOSITION OF PENALTIES FOR OPERATING RENTAL HOUSING WITHOUT APPLYING FOR A REQUIRED PERMIT; PROVIDING FOR THE REVOCATION OF RENTAL HOUSING PERMITS GRANTED UPON APPLICATIONS CONTAINING MATERIAL MISREPRESENTATIONS, ERRORS OR OMISSIONS; AND REPEALING CHAPTER 11, PART 1, EXHIBIT A.

§11-102. Definitions.

This section is amended to change or add the following definitions:

ROOMING UNIT - *an individual room within a "Rooming House" as said term is defined herein that is suitable for human lodging or occupancy.*

REGISTRATION - ~~the completed filing of an appropriate Application for Registration and Issuance of a Rental Housing Permit for a specific property.~~

RENTAL HOUSING PERMIT - *A permit issued by the City of Reading Property Maintenance Division per the procedure established by this Chapter and the policies created in accordance therewith.*

VACANT PROPERTY - *A residential or mixed use (residential and other permitted use) property shall be deemed to be a "vacant property" if it is continuously unoccupied by the same individual or basic family unit as a residence from more than ninety (90) days and/or it is unoccupied and has been voluntarily or involuntarily disconnected or suspended from one or more of the following public or private utilities or services: water, natural gas, electric or fuel oil.*

§11-103. Rental Housing ~~Registration and~~ Permit Required.

No person shall let, rent or cause to be occupied any rental unit, building, dwelling or dwelling unit, nor shall any person operate a rooming house, or let to another for occupancy, any room in a rooming house that provides shelter or lodging suitable for human habitation unless that person first applies for, renews and obtains a Rental Housing Permit issued by the City of Reading Property Maintenance Division per the procedure established by this code and policies created thereunder. Occupancy of a dwelling unit or rooming unit is precluded until a Rental Housing Permit has been issued. Rental housing permits are non-transferrable.

§11-104. Application for ~~Registration and Issuance of~~ a Rental Housing Permit.

1. Applications for ~~and registration of a rental property~~ **housing permit** for a dwelling unit or a rooming unit shall be made in writing on forms prepared and provided by the City of Reading Property Maintenance Division and shall be accompanied by payment of the applicable ~~registration fee~~ **and a copy of the Deed**. Such forms shall require, but shall not be limited to, the following information and shall be signed and sworn to by the owner of such dwelling unit or rooming unit: [Ord. 22-2009]
 - A. The name(s), business addresses, date of birth and telephone numbers, (business and mobile) of all of the owners of the rental unit or rooming unit. If the owner is a corporation, *limited liability company, or partnership, a true and correct copy of the articles of incorporation, certificate of organization, statement of registration or partnership agreement, as applicable, shall be provided in conjunction with a document identifying the officers of the corporation or the partners of the partnership.*
 - B. The name, business address, date of birth and telephone numbers, (business and mobile), of the responsible local agent *and/or property manager* as required by this Part.
 - C. The owner(s), property manager and responsible local agent shall submit as proof of identification a government issued identification card. The proof of identification shall be presented to the Property Maintenance Division with the application. Where the owner is a corporation, *limited liability company*, or partnership, proof of identification of at least one of the officers of the corporation, *the managing member or designated member of the limited liability company, or the managing or general partner of a partnership* must be presented by said individual. [Ord. 22-2009]
 - D. The address of the premises at which the dwelling unit or rooming unit is located.
 - E. Identification of the rental unit as a dwelling unit or rooming unit.
 - F. The number *of permitted or allowable dwelling units or rooming units located within the building where the dwelling unit or rooming unit is located.*
 - G. A copy of zoning permit authorizing ~~or registering~~ the dwelling unit or rooming unit as a *residential* unit shall be attached. ~~If the dwelling unit or rooming unit contains more than one unit, then~~ The zoning permit attached shall indicate the authorized number of units. If the dwelling unit or rooming unit has been certified as a nonconforming use per the City of Reading Zoning Ordinance [Chapter 27] and applicable State law, then a copy of the certificate of nonconforming use shall be attached. *(See §11-104 subsection 2 for special provisions for properties with a valid "Housing Permit" issued prior to December 31, 2007 but lacking valid zoning permits.)*
 - H. Proof of a valid contract with a trash hauler licensed by the State for trash removal/collection from the property address including the name, address and telephone number of the trash hauler. ~~Alternatively, proof of current participation of the dwelling unit or rooming unit on the City of Reading trash collection program.~~
 - I. Proof of *current* participation of the property address in the City of Reading recycling program.
 - J. A copy of the written lease form the owner intends to have the occupants/tenants of each permitted dwelling unit or rooming unit to execute with a copy of the addendum required herein attached thereto.

- K. The owner shall furnish with the *Application for Registration and Issuance a Rental Housing Permit* *photographs of the front and rear exterior of the building for which a permit is requested. The photograph of the front exterior of the building shall contain a visible, identifiable address number appearing thereon.* If there are changes *subsequently* made to the floor plan, the owner shall submit *a revised floor plan, drawn to scale, with the next application (for re-issue or renewal)* submitted after the changes to the floor plan were made and the same shall be accompanied by copies of all valid permits as required for such revisions. [Ord. 22-2009]
- L. A completed tenant listing on a form prepared and provided by the Property Maintenance Division providing the following information of all persons occupying the building for which the permit is sought, including children under 18 years of age, full name, unit, apartment or floor number/designation (where applicable), and term of lease including date of entry and departure. If the owner has reason to believe that such disclosure may jeopardize the personal safety and well-being of a tenant or occupant and provides the Property Maintenance Division with such information and documentation to support such belief as may be reasonably required by the Property Maintenance Division, such disclosure shall not be required. If the unit is not rented at the time of application, the owner shall submit the tenant listing as prescribed above within 30 days of occupancy of the unit and in no event later than the next bi-annual date for such submission as required by this Part. [Ord. 22-2009]
- M. The date of the last inspection of the premises, building or unit with confirmation thereof by the Property Maintenance Division. [Ord. 22-2009]
- N. A place to indicate approval or denial of the application and date thereof as well as and location for print name, signature and title of person approving or denying the application. [Ord. 43-2008]

2. *Special provisions for properties with a valid "Housing Permit" issued prior to December 31, 2007 but lacking valid zoning permits for Multiple Dwelling or Rooming House use.*

- A. *Any property previously registered with the City of Reading Property Maintenance Division and holding a valid "Housing Permit" issued by the Reading Property Maintenance Division prior to December 31, 2007 and has remained current shall be required to apply to the Zoning Administrator for a zoning permit prior to submitting an Application for a Rental Housing Permit. The Zoning Administrator shall make an initial determination as to whether the subject property is located within a zoning district where multi-family rental use is legally permitted as an allowed use or a use previously approved as a Conditional Use pursuant to subsection D of §27-1203 of the Zoning Ordinance, as amended.*
- (i) *If the Zoning Administrator determines that the subject property is located within a zoning district where multi-family rental use is legally permitted in accordance with the foregoing provisions in Subsection A it will be granted a zoning permit as a legally permitted use under the applicable zoning, subject to subsection B hereunder, and it will be required to comply with all of the provisions of this Chapter and any other applicable chapters as verified upon inspection by the Property Maintenance Division.*
- (ii) *If the subject property had a valid Housing Permit as of December 31, 2007 but is determined to be located within a zoning district where multi-family rental use is not legally permitted in accordance with the foregoing provisions in Subsection A it will be granted a zoning permit as a prior "non-conforming use" by the Zoning Administrator*

within the meaning of subsection B of §27-607 of the Zoning Ordinance and remain eligible for a Rental Housing Permit provided it conforms to the remaining requirements of the City of Reading Codes and Codified Ordinances.

- B. The Zoning Administrator shall make a secondary determination as to whether the number of dwelling units present exceeds the number of units previously recorded for the premises in City records. A Rental Housing Permit will be denied until the property is modified to comply with the number of units previously recorded.*
- C. A zoning permit issued by the Zoning Administrator in accordance with Sections A and B hereinabove shall satisfy the requirements of §11-104 1.G. and the issuance of a Rental Housing Permit shall be subject to compliance with the remaining provisions of §11-104 1.*

§11-105. Annual Renewal of Rental Housing Permit.

- 1. Effective January 2, 2012, each Rental Housing Permit shall be renewed by the registrant on or before the 1st of April in each and every calendar year regardless of when the original permit was issued in the previous year. If the 1st of April falls upon a Saturday, Sunday or holiday the deadline shall be the close of business on the next business day. Renewal of a Rental Housing Permits shall be made upon forms prescribed by the Property Maintenance Division and single copies of the same for each property address shall be made available to property owners at no charge. Submission of annual renewal forms shall be accompanied by payment of the specified renewal fee ~~as adopted by formal resolution of City Council.~~*
- 2. Annual Rental Housing Permit Renewal forms shall require the owner, in addition to the information specifically required in other provisions of this Chapter, to provide the following: (a) the name and policy number of the insurer providing liability and extended risk insurance coverage the premises, (b) disclose and/or confirm the number, name and age of residents of dwelling unit in each building and the number of tenants residing in each dwelling unit, (c) the operational status of fire and smoke alarms, the operational status of fire escapes and emergency exits, if applicable, and (d) any changes or alterations to the interior or exterior structural and/or mechanical components or systems of the building or any individual dwelling unit therein including repairs due to casualty loss, since the date of the issue of the Rental Housing Permit or the last renewal thereof, whichever is later. The Annual Permit Renewal forms shall further require the owner to verify that false statements therein made are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.*
- 3. Submission of annual renewal forms after the April 1st deadline shall be subject to a surcharge of Three Hundred Dollars (\$300) per rental unit for each month or fraction thereof following the said deadline. Said fees and surcharges shall constitute a lien upon the real property and the property owner shall be liable for payment of the same, together with attorneys' fees, court costs and receipted costs of collection.*
- 4. Failure to submit an annual renewal form as required herein before July 1st in each and every year may result in the immediate revocation of the Rental Housing Permit.*
- 5. In the event of revocation of the Rental Housing Permit the property owner must file an Application for Reinstatement upon a form prescribed by the Property Maintenance Division and the filing of said application shall be accompanied by payment of all outstanding fees and surcharges.*

6. *Notwithstanding the filing of an Application for Reinstatement nothing herein shall prevent the City of Reading from undertaking legal action to enforce any other provision of the City of Reading Codified Ordinances, including action to enjoin any continued occupancy of the property by tenants residing therein and/or action to abate any nuisance, dangerous condition or other threat to the health and safety of the tenants residing therein or the general public.*
7. *In the event the Rental Housing Permit is revoked for a property that was previously approved for multi-family rental housing but designated a non-conforming use by the Zoning Administrator, failure of the owner to file an Application for Reinstatement of a Rental Housing Permit within six months of the date of revocation of the Rental Housing Permit as provided herein shall, in the absence of any showing of reasonable excuse or good cause, be considered an "abandonment" of such use in accordance with the provisions of §27-607 F and G of the Zoning Ordinance. The burden of proving reasonable excuse or good cause for a failure to file an Application for Reinstatement shall rest solely upon the property owner and the determination of the same can only be made upon a majority vote of City Council.*

§11-106. Denial of Application for a Rental ~~Registration~~ Housing Permit.

A Rental ~~registration~~-Housing Permit shall not be issued or renewed to any applicant if said rental unit, building or dwelling is not in compliance with the City of Reading Codified Ordinances including, but not limited to, City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection, is in pending litigation for violations of the aforesaid Codified Ordinances or has been declared uninhabitable and/or condemned by the appropriate authority with jurisdiction.

The City may deny an application for a Rental Housing Permit if the applicant (or in the case of a corporate or similar entity, its owners or affiliates) has a demonstrable history on three or more occasions of failing to address cited code violations, including lack of utilities, that present immediate threats to human health and safety within the compliance period specified by the Property Maintenance Division, currently has unresolved codes violations, or has any tax delinquencies.

The City of Reading Property Maintenance Division is hereby authorized to placard and condemn thereby requiring the immediate vacation, or within the discretion of the Property Maintenance Inspector a reasonable amount of time vacation, of a property that is being rented for which a Rental Housing Permit therefore has not been filed with the Property Maintenance Division as required by this Part. [Ord. 22-2009]

§11-107. Revocation of a Rental ~~Registration~~-Housing Permit.

The City of Reading Property Maintenance Division, ~~the municipality~~ shall have the authority to revoke or suspend the Rental Housing Permit of any rental unit, building, rooming house, or dwelling that it determines within the reasonable exercise of its discretion to be uninhabitable by humans, and in noncompliance with the City of Reading Codified Ordinances including, but not limited to, City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection. A Rental Housing Permit may also be revoked if it is determined that the permit was issued upon material misrepresentations, errors or omissions set forth in the application for original issue renewal as applicable.

The City may revoke a Rental Housing Permit if the applicant (or in the case of a corporate or similar entity, its owners or affiliates) has a record of chronic codes violations, currently has unresolved codes violations, or has any tax delinquency.

A notice of a revocation of a rental registration Rental Housing Permit shall set forth the reason for the revocation, and shall be provided in writing to the last known owner of record.

The City of Reading Property Maintenance Division is hereby authorized to placard and condemn thereby requiring the immediate vacation, or within the discretion of the Property Maintenance Inspector a reasonable amount of time vacation, of a property that is being rented for which a Rental Housing Permit therefore has not been filed with the Property Maintenance Division as required by this Part. [Ord. 22-2009]

§11-108. Transfer of Ownership and Change of Address.

1. It shall be the duty of each owner of a dwelling unit or rooming unit to notify the Property Maintenance Division of any change in ownership of the property *by providing a copy of the new deed with a Certificate of Transfer affixed thereto in compliance with the requirements of § 4-303 of Chapter 4 of the City of Reading Codified Ordinances, as amended.*
2. A Rental ~~registration~~ **Housing Permit** issued hereunder *does not attach to the real estate title and* does not pass or transfer to any person or entity who acquires ownership of the property upon which the dwelling unit or rooming unit is situated. The prospective new owner of a property upon which rental housing is permitted shall submit a completed application for a new ~~registration~~ **Rental Housing Permit** to the Property Maintenance Division no later than 30 days prior to date scheduled for final closing and transfer of title. Said application for a new ~~registration~~ **Rental Housing Permit** shall be compliant with the applicable rules set forth in this Chapter and issuance of a new Rental Housing Permit shall be further conditioned upon inspection of the premises by the Property Maintenance Division and a determination of compliance of the premises with the applicable requirements of the City of Reading Codified Ordinances.
3. Any owner of a rental unit governed by this Part who relocates or changes mailing address shall file written notice of the same with the Berks County Assessment Office and the City of Reading Property Maintenance Division within ten (10) days of such relocation or change in mailing address.
4. The failure of a new owner or prospective new owner to make timely application for a new Rental Housing Permit *and/or provide written notice of relocation or change in address as provided herein shall assess an application surcharge of \$1,000 per unit and provide the owner 15 days to submit such application, with such notice being posted on the property; failure to submit a complete application within the proscribed time shall result in the assessment of a fee of \$100 per unit per day until such time a complete application for a required Rental Housing Permit is received by the Property Maintenance Division. Said fees shall constitute a lien upon the real property and the property owner shall be liable for payment of the same, together with attorneys' fees, court costs and receipted costs of collection. Upon timely payment of said fees, a property owner may request in writing an administrative hearing to dispute a finding of operating unpermitted rental housing before the Director of the Department of Community Development or such person who may be designated by the same; the property owner will be notified in writing as to the hearing date, which shall be within 30 days of the request, and a written statement of findings of facts shall be issued by the hearing officer within 15 days of said proceeding. Failure by the owner to appear for said hearing shall result in an automatic finding of operating unpermitted rental housing.*

§11-109. Inspection.

1. Initial Inspection.

~~A. — Except as provided herein, all properties for which a rental registration is submitted from 2007 through 2014 shall not be required to undergo an inspection to be registered as a rental property. Properties which have historically, within the last 5 years, been owner-occupied and not registered rental properties shall be required to undergo an inspection as part of the initial application to register as a rental property. This provision shall not include registered rental properties from continuing to undergo an inspection pursuant to the City of Reading Rental Inspection Program including, but not limited to, renewal inspections, routine inspections and complaint inspections nor a Health and Safety Inspection pursuant to the City of Reading Codified Ordinances upon transfer of a property. [Ord. 22-2009]~~

A. If an initial application inspection is required pursuant to the provisions of this Chapter upon receipt of a fully completed application for a Rental ~~registration~~ **Housing Permit** and receipt of payment of the applicable fee ~~for rental registration~~, the Property Maintenance Division shall within 10 days of said receipt schedule an exterior and interior inspection of the dwelling unit or rooming unit to be performed no later than 30 days from said receipt to determine if the dwelling unit or rooming unit is compliant with the applicable City of Reading Codes and Codified Ordinances. If the City inspector performing the inspection determines that the dwelling unit or rooming unit complies with the applicable City of Reading Codes and Codified Ordinances, the inspector shall so advise the owner and report the same in writing to the City of Reading Property Maintenance Division. Upon receipt of such written report of compliance and a determination that all other requirements have been met the Property Maintenance Division shall issue the Rental Housing Permit.

B. In the event the City's inspector determines that the dwelling unit or rooming unit is in violation of one or more of the applicable provisions of the City of Reading Codes and Codified Ordinances, the Property Maintenance Division shall be instructed not to issue the Rental Housing Permit. Additionally, the City Official shall issue a notice of violation as provided in the appropriate Code. Further, if the violation is not corrected within the time frame established on the notice of violation the City Official shall commence the appropriate legal proceedings as permitted by the applicable Code. The owner shall notify the Property Maintenance Division of correction, remediation and/or abatement of the violation. Within 10 days of receipt of said notification from the owner, the Property Maintenance Division shall schedule a re-inspection of the dwelling unit or rooming unit to determine if the violations set forth in the notice of violation have been remedied, corrected and/or abated. If the Codes Official determines that the violations have been remedied, corrected and/or abated in accordance with the applicable City of Reading Codes and Codified Ordinances, the Code Official shall so advise the owner and Property Maintenance Division and in so doing authorize issuance of the rental registration. Occupancy of the dwelling unit or rooming unit is prohibited until a ~~registration~~ **Rental Housing Permit** is issued.

2. Renewal Inspections

A. An inspection of a rental unit *as defined in this Chapter* shall be performed by Property Maintenance Division *if necessitated by reported changes to a rental unit on the Annual Rental Housing Permit Renewal form or, in the absence of reported changes*, on a revolving basis not less than every 3 2 years nor more than 5 years from the date of last inspection pursuant to the City of Reading Rental Property Inspection Program. [Ord. 22-2009]

- B. If the Property Maintenance Division Official performing the inspection determines that the dwelling unit or rooming unit complies with the applicable City of Reading Codes and Codified Ordinances, the Official shall so advise the owner, *make the appropriate entry in the official records for the said property maintained by the Property Maintenance Division and issue an official certificate of compliance.*
- C. In the event the *Property Maintenance Division Official* performing the inspection determines that the dwelling unit or rooming unit is in violation of the applicable City of Reading Codes and Codified Ordinances, the Property Maintenance Division *shall withhold the renewal of the Rental Housing Permit until the violations are corrected and the property is determined to be in compliance with the applicable Codes and Codified Ordinances.* In addition, the City Official shall issue a Notice of Violation as provided for in the applicable provision of the Code and Codified Ordinances. Failure of the property owner to correct the specified violations within the time frame established on the Notice of Violation shall result in the *revocation of the Rental Housing Permit and an authorized City Official shall commence the appropriate legal proceedings to enforce the applicable Code and Codified Ordinances including but not limited to action to vacate the dwelling unit or rooming unit as operation thereof is prohibited without a valid Rental Housing Permit. Nothing herein shall prevent the City from taking any other action authorized by §11-122 of this Chapter. In the event the property is vacated as a result of an order from the City Official it shall remain vacated until the Codes Official determines that the violations have remedied, corrected and/or abated.* The owner shall notify the Property Maintenance Division of correction, remediation and/or abatement of the violation. Within 10 days of receipt of said notification from the owner, the Property Maintenance Division shall schedule a re-inspection of the dwelling unit or rooming unit to determine if the violations set forth in the notice of violation have been remedied, corrected and/or abated. If the Codes Official determines that the violations have been remedied, corrected and/or abated in accordance with the applicable City of Reading Codes and Codified Ordinances, the Code Official shall so advise the owner and Property Maintenance Division and in so doing authorize issuance of the rental registration. [Ord. 22-2009]

D. Deleted

3. **Routine Inspection.** The Property Maintenance Division shall perform routine inspections on all dwelling units and rooming units subject to the provisions of the applicable City of Reading Codes and Codified Ordinances. [Ord. 22-2009]
4. **Complaint Inspections.** Nothing in this Part shall preclude the Property Maintenance Division/ Code Official from performing an inspection upon receipt of a complaint of violation of the City of Reading Codes and Codified Ordinances existing at the dwelling unit or rooming unit. Said inspections shall be in accord with the applicable Codes and Ordinances and regulations and policies established by the City of Reading Property Maintenance Division. A complaint of violation shall include but not be limited to a violation of a City of Reading Code or Ordinance, e.g., Property Maintenance Code [Chapter 5, Part 6] and/ or disruptive conduct report. [Ord. 22-2009]
5. **Search Warrant.** If any owner, occupant or other person in charge of a structure subject to the provisions of this Part refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this Part is sought, the administrative authority, Property Maintenance Division, shall promptly apply for an administrative search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is a reasonable or probable cause to conduct an inspection. [Ord. 22-2009]

6. **Notice.** All notices scheduling an inspection shall be mailed via regular mail to the owner of record with a copy mailed via regular mail to the local responsible agent.

8. **Failure to Appear for Inspection.** If the owner or his/ her local responsible agent cannot be available at the proposed time, said owner or representative shall provide no less than 24-hour written notice to the Property Maintenance Division. Upon failure to give such written notice or upon failure to gain entry, an administrative fee of \$150 will be assessed against the owner or representative of the owner failing to supply written notice or appear. If the property owner or his representative fails to appear for the second scheduled inspection an administrative fee of \$250 will be assessed against the property owner. If the property owner or his representative fails to appear for the third scheduled inspection, the City may shall file a suit with the Magisterial District Justice seeking a minimum fee of \$400. Failure to pay administrative fees shall at the discretion of the Code Official constitute a violation of this Code or the City of Reading Property Maintenance Code *Property Maintenance Division shall assess an administrative fee of \$250 and may promptly apply for an administrative search or inspection warrant to a court of competent jurisdiction and shall apply all necessary affidavits and testimony to indicate that there is a reasonable or probable cause to conduct an inspection.*

Failure of an owner or his/ her local responsible agent to appear for an inspection as part of an initial application or renewal inspection as required to obtain *or renew* a Rental registration *Housing Permit* and the time necessary to reschedule an inspection shall extend the time provided the City of Reading to schedule an inspection per said requirements and make a determination on an application.

Additionally, *failure to appear for an inspection for the purposes of an administrative search or inspection warrant includes the third cancellation of the inspection with or without prior notice to the Property Maintenance Division.*

~~failure~~ **Failure** of an owner or his/ her local responsible agent to appear for a scheduled inspection shall be considered probable cause for obtaining a search warrant to inspect the premises. [Ord. 105-2010]

(Ord. 28-2007, 7/ 23/ 2007, §1; as amended by Ord. 71-2007, 9/ 24/ 2007, §1; by Ord. 55-2008, 9/ 8/ 2008, §1; and by Ord. 65-2008, 10/ 13/ 2008, §1; by Ord. 22-2009, 4/ 27/ 2009, §§1-3; and by Ord. 105-2010, 12/ 27/ 2010, §1)

§11-110. Rental Housing Permit.

Upon compliance by the owner of the dwelling unit or rooming unit of the requirements of this Part, the City of Reading Property Maintenance Division shall issue a *Rental Housing Permit* on an official form containing the letterhead of the City of Reading Property Maintenance Division and a facsimile of the Official Seal which shall include but not be limited to the following:

A. Name, mailing address and telephone number (*business and mobile*) of owner.

B. Name, mailing address and telephone numbers (business and mobile) of local responsible agent.

C. Number of occupants/tenants *dwelling units* permitted to occupy said rental unit or rooming unit as authorized by the City of Reading Codified Ordinances including, but not limited to, the Zoning Ordinance [Chapter 27] and Property Maintenance Code [Chapter 5, Part 6].

D. Date of last application inspection, e.g., initial or renewal.

E. A place for date and initials of Code Official indicating performance of a routine or complaint inspection and whether or not violations were found.

F. Date of issuance of permit.

G. Date of required renewal of permit.

H. Printed name of person issuing permit.

Date of last inspection.

F. A place for date and initials of Code Official indicating performance of a routine or complaint inspection and whether or not violations were found.

G. Date of issuance of permit.

H. Date of required renewal of permit.

I. Printed name of person issuing permit.

§11-111. Posting of the Rental Housing Permit.

The Rental ~~registration~~ *Housing Permit or an identical, clear and legible photocopy thereof* shall be conspicuously posted and maintained in the front entryway, vestibule or other main entrance area of the dwelling unit or rooming unit ~~in a manner available for inspection~~ *so that the same is visible and observable from outside the building at the front of the property* by City Code officials, Property Maintenance Division, or emergency personnel.

§11-112. Local Responsible Agent.

1. **Designation.** Any owner who rents, leases or lets a dwelling unit or rooming unit shall designate and appoint an adult individual to serve as the responsible local agent for such dwelling unit or rooming unit. The owner and responsible local agent shall be jointly and severally legally responsible for operation of the dwelling unit and rooming unit and its compliance with the City of Reading Codes and Codified Ordinances and the laws of the Commonwealth of Pennsylvania. The local responsible agent shall also be responsible for providing the Code Official with access to the dwelling unit or rooming unit for the purpose of making inspections necessary to ensure such compliance. A responsible local agent is required to reside within Berks County, Pennsylvania. An owner may designate him/ herself as a responsible agent if s/ he resides within Berks County, Pennsylvania.

2. **Posting of Responsible Local Agent.** The name, address, and contact information including, but not limited to, telephone number, business and cell of the responsible local agent shall be conspicuously posted and maintained in the dwelling unit or rooming unit and shall be available for inspection by the City Code Officials upon request. Failure to maintain posting and maintenance of the information of the responsible local agent as required herein shall subject the owner to penalties of this Part.

§11-113 Occupation of Premises Without Rental ~~Registration~~ Housing Permit.

It shall be unlawful for the owner of any dwelling unit or rooming unit or any agent thereof to allow, rent, lease or let or otherwise permit occupancy of any dwelling unit or rooming unit by another or to represent to the general public that such dwelling unit or rooming unit is for rent, lease, let or occupancy unless a current ~~rental registration~~ **Rental Housing Permit** is obtained for such dwelling unit or rooming unit. *In the event a city official determines a dwelling or rooming unit is being occupied unlawfully, a placard shall be placed upon the premises advising that application for a Rental Housing Permit must be submitted within 15 days and the property owner shall be assessed \$1,000 for each unit; failure to submit an application for a Rental Housing Permit within the allotted time shall result in a fee of \$300 per unit per month or portion thereof until such time the required application is received by the city. Said fees shall constitute a lien upon the real property and the property owner shall be liable for payment of the same, together with attorneys' fees, court costs and receipted costs of collection. In the event an owner disputes the assessment of said fees, upon timely payment thereof, the owner may request an administrative hearing as provided for in §11-103.*

§11-114 Owner and Occupant Duties.

1. Owner's Duties.

- A. It shall be the duty of every owner, operator, responsible agent or manager to keep and maintain all rental units in compliance with all applicable codes and provisions of all applicable State laws and regulations and local ordinances, and to keep such property in good and safe condition and to be aware of, and to act to eliminate disruptive conduct in such rental units.
- B. It shall be unlawful for any person to conduct or operate or cause to be rented either as owner, operator, responsible agent or manager any rental unit within the City of Reading without ~~having a rental registration or a rental license~~ **a valid and current Rental Housing Permit.**
- C. ~~The owner, operator, responsible agent or manager shall include the amendment attached hereto as the addendum to rental agreement in each lease of a rental unit taking effect on or after May 1, 2007. Said amendment is hereby considered to be a part of every lease of a rental unit in the City of Reading executed on or after May 1, 2007.~~
- C. It shall be the responsibility of every owner, operator, responsible agent or manager to employ policies and to manage the rental units under his/her control in compliance with the provisions of this Chapter, the City Codes and Codified Ordinances and applicable State laws.

2. Occupant Duties

- A. The occupant(s) shall comply with all obligations imposed unto by this Part and by the City of Reading Codified Ordinances including, but not limited to, Chapter 2, Animals, Chapter 3, Bicycles, Chapter 5, Code Enforcement, Part 6, Property Maintenance Code, Chapter 6, Conduct, Chapter 10, Health and Safety, Chapter 15, Motor Vehicles and Traffic, Chapter 20, Solid Waste, and Chapter 21, Streets and Sidewalks, as well as all State laws and regulations.
- B. The occupant(s) shall conduct themselves and require other persons including, but not limited to, guests on the premises and within their rental unit with their consent, to conduct themselves in a

manner that will not disturb the peaceful enjoyment of the premises by others and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by people occupying the same.

- C. The occupant(s) shall not engage in, nor tolerate, nor permit others on the premise to cause damage to the rental unit or engage in disruptive conduct, or other violations of this Part, City codes or applicable State laws.
- D. Police officers or public officers shall investigate alleged incidents of disruptive conduct. They shall complete a disruptive conduct report upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrators of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed.
(Ord. 28-2007, 7/ 23/ 2007, §1)

§11-115. Owners Severally Responsible.

If any regulated dwelling unit or rooming unit is owned by more than one person, in any form of joint tenancy, as a partnership, corporation or otherwise, each persons shall be jointly and severally responsible for the duties imposed under the terms of this Part and shall be severallysubject to prosecution for the violation of this Part.

(Ord. 28-2007, 7/ 23/ 2007, §1)

§11-116 - Fees for Rental ~~Registration~~ Housing Permit

1. Fee Schedule

Fees required for *an application for, and annual renewal of*, a Rental ~~registration~~ *Housing Permit, as well as inspection-related and other applicable fees shall be established by City Council and included on the City's fee schedule.*

A. Permit:

~~(1) Single rented dwelling unit \$100 per year [Ord. 48-2010]~~

~~(2) Each single room (rooming unit) \$25 per year~~

~~5. **Fee Nonrefundable.** The fee paid as part of the Application for Registration and Issuance of a for a Rental Housing Permit rental registration or any renewal thereof is nonrefundable regardless of whether the application is approved.~~

~~B. **Reinspection.** The initial and first subsequent inspection upon an application for either an initial or renewal shall be included in the permit fee. A fee in the amount of \$25 shall be charged for any third or subsequent inspection required for approval of an initial or 3-year renewal application. [Ord. 38-2009]~~
~~[Ord. 55-2008]~~

~~2. **Number of Units.** For the purpose of determining the number of units or rooms to be included in a permit, the following definitions shall apply:~~

~~A. Efficiency apartments and rented rooms used for purposes other than sleeping shall be considered a dwelling unit.~~

~~B. Any dwelling unit or room occupied by the owner/ operator of a multiple unit dwelling shall be included in the total number of units or rooms, as well as any unit or room occupied by the spouse, son, daughter, mother, father, sister or~~

~~brother of the owner or operator.~~

3. Waiver of Fees. ~~The permit fees established in subsection (1) above shall be waived under the following conditions:~~

~~A. If the owner, or operator, or the spouse, son, daughter, mother, father, sister or brother of the owner or operator, occupy the unit.~~

~~B. If the owner or operator is the United States government, the Commonwealth of Pennsylvania, the City of Reading, Pennsylvania, or any agency thereof.~~

~~C. If the owner or operator is a corporation or association organized and operated exclusively for religious, charitable or educational purposes, or for one or more such purposes, provided that no part of the net earnings or profits of which inure to the benefit of any private shareholder, individual, corporation or partnership.~~

~~D. Licensed real estate brokers or agents or financial institutions that purchase or acquire dwellings for the sole purpose of resale of the property shall be exempt from obtaining a rental registration. [Ord. 22-2009]~~

~~E. Persons who have acquired property for the sole purpose of renovating and resale of the property may be exempt from obtaining a rental registration based upon approval of an application for exemption on the form prescribed. [Ord. 22-2009]~~

4. Effect of Waiver of Fees. ~~The waiver of fees contained in subsection (3), above, shall not exempt the owners or local responsible agent from compliance with this Part and all other applicable Codes, Codified Ordinances, rules, regulations of the City of Reading and laws of the Commonwealth of Pennsylvania, unless otherwise specifically exempted herein.~~

5. Fee Nonrefundable. ~~The fee paid as part of the application for a rental registration is §11-117 -- no changes~~

§11-117 - Vacant Property Registration

1. A property that is a "vacant property" as defined in §11-102 herein shall be registered by the property owner or authorized agent with the City of Reading Property Maintenance Division on a Vacant Property Registration form prescribed by the Property Maintenance Division.
2. The registration of a vacant property with the Property Maintenance Division shall be required within 10 days of the subject property becoming a "vacant property" as provided herein and shall be accompanied by the payment of the applicable registration fee.
3. Each and every property registered as vacant property pursuant to the provisions herein shall be subject to inspection and verification by the Property Maintenance Division at any time during the original registration period or during any period of renewal thereof.
4. Vacant property registrations shall be valid for not more than 180 days and are required be renewed on or before 180 days on a form prescribed by the Property Maintenance Division. Payment of the applicable registration renewal fee shall be required at the time of renewal.

5. Any change in the structural condition or integrity of a vacant property shall be reported in writing to the Property Maintenance Division within 7 days of such change.
6. Nothing herein shall prohibit a property owner from voluntarily registering a property as a vacant property prior to the expiration of 90 day-period of non-occupancy.

§11-118 Tenant Information.

1. In addition to supplying information of the tenants of the dwelling unit or rooming unit on the initial or renewal application for a *Rental Housing Permit* ~~rental registration~~, the owner or the local responsible agent, on or before ~~March~~ *April* 1 and ~~August~~ *September* 1 of each year, shall provide to the City of Reading Property Maintenance Division on a form prepared and provided by said Division information of all tenants or other persons, including children under 18 years of age, occupying the dwelling unit or rooming room for which they are required to have a ~~rental registration~~ *Rental Housing Permit*, the full name, unit, floor or apartment number/designation and term of lease, date of entry and anticipated departure date. Landlord shall further indicate on said form if the dwelling unit or rooming unit is student housing and if said tenants are students. [Ord. 22-2009]
2. The owner shall notify the City of Reading Property Maintenance Division of changes in the tenant listing within 10 days of such change by submitting an updated tenant listing on the form prepared and provided by the Property Maintenance Division. In so doing, the owner shall notify the City of the name of the person who is no longer residing at the dwelling unit or rooming unit. [Ord. 22-2009]
3. If the owner has reason to believe that such disclosure may jeopardize the personal safety and well-being of a tenant or occupant and provides the Property Maintenance Division with such information and documentation to support such belief as may be reasonably required by the Property Maintenance Division, such disclosure shall not be required. [Ord. 22-2009]
4. Failure to provide the required information or failure to update such information as required by this Part are hereby made subject to the penalties set forth in this Part. (Ord. 28-2007, 7/ 23/ 2007, §1; as amended by Ord. 71-2007, 9/ 24/ 2007, §1; by Ord. 43-2008, 8/ 25/ 2008, §1; and by Ord. 22-2009, 4/ 27/ 2009, §§2, 3)

§11-119. Official Notices.

All official notices, excluding notice of inspection, including, but not limited to, notices of violation relating to a dwelling unit or rooming unit shall be served on the owner with a copy to the local responsible agent. All official notices, excluding notice of inspection which shall be in the manner set forth herein, shall be by first class mail to address of record of the owner and local responsible agent and posting of the dwelling unit or rooming unit. The address of record of the owner shall be that provided by the County of Berks. Any owner change of address must be performed through the County of Berks Recorder of Deeds/ Assessment Office. The address of record of the local responsible agent shall be that provided by the owner on the most recent permit application. It is the responsibility of the owner to change the address thereof or the identity or address of the local responsible agent per the requirements hereof. There shall be a rebuttable presumption that any notice required to be given under this Part shall have been received by owner and/ or local responsible agent if the notice was given in the manner

provided. A claim of lack of knowledge by the owner of any violation hereunder or City of Reading Codes shall not be a defense to license nonrenewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such action were given and deemed received in accord with the applicable provisions of this Part. (*Ord. 28-2007, 7/ 23/ 2007, §1; as amended by Ord. 22-2009, 4/ 27/ 2009, §1*)

~~§11-120. Denial or Nonrenewal of a Rental Registration for Failure to Comply with Application, Chapter and/or Failure to Pass Inspection.~~ [*Ord. 22-2009*]

1. ~~**Timing.** A decision to deny or not renew an application for a rental registration for the reasons set forth herein shall be made within 15 working days of receipt of the application with payment of appropriate fee as indicated on the time stamp by the Property Maintenance Division. This time period shall be extended to 15 working days after performance of an inspection where an inspection is required.~~ [*Ord. 22-2009*]
2. ~~**Basis for Denial or Nonrenewal under this Part.**~~
 - A. ~~A rental registration shall be denied and/ or nonrenewed upon failure of the owner to comply with the application requirements set forth in this Part.~~ [*Ord. 22-2009*]
 - B. ~~An application for an initial or renewed permit shall also be denied upon proof of failure of owner or local responsible agent to comply with the requirements of this Part including, but not limited to, the posting requirements, submission of tenant listing, failure to appear for more than one scheduled inspection, failure to appear for a scheduled court hearing and noncompliance with owner's duties.~~
 - C. ~~A rental registration shall not be issued or renewed upon the failure of dwelling unit or rooming unit to pass an initial or a renewal inspection as required by §11-109(1) and (2) of this Part.~~ [*Ord. 22-2009*]
 - D. ~~A rental registration shall not be issued or renewed to any applicant if said rental unit, building or dwelling is not in compliance with the City of Reading Codified Ordinances including, but not limited to, International/ City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection, is in pending litigation for violations of the aforesaid Codified Ordinances or has been declared unfit for human habitation and/ or condemned by appropriate authority with jurisdiction or an owner or his/ her local responsible agent fails to appear in court for a hearing regarding a violation of the aforesaid Codes of the City of Reading.~~ [*Ord. 22-2009*] [*Ord. 55-2008*]
3. ~~**Notice.** Notification of the decision to deny or not renew an application for an initial or renewal of a rental registration shall be issued by the Administrator of the Property Maintenance Division or his/ her designee within 15 working days of receipt of the application. The notification shall specify the reason for denial or refusal to renew an application for a rental registration citing the requirement therefor. Said notice shall be in accord with the requirements therefor of this Part.~~ [*Ord. 22-2009*]
4. ~~**Right to Cure.** At the discretion of the Administrator of the Property Maintenance Division or his/ her designee notification of the denial or nonrenewal of a rental registration may provide the owner an opportunity to cure the basis for the denial or nonrenewal. If said opportunity is provided, the notification must specify the time period provided for curing of the basis for the~~

~~denial or refusal to renew a rental registration. Upon failure of the owner or local responsible agent to cure the basis for the denial within the time period given, the decision of the Property Maintenance Division Administrator or his/ her designee to deny or not renew a rental registration shall stand and the sole recourse shall be an appeal. Nothing in this Section is to be interpreted to override the requirements and right to resolve failure to pass inspection as required above as part of the initial and renewal inspection process. [Ord. 22-2009]~~

5. ~~**Appeal.** The denial of an initial or renewal application for a rental registration for the reasons set forth above may be appealed to the Housing Board of Appeals by submission of such a request with payment of the appropriate fee made in writing to the Administrator of the Property Maintenance Division within 10 days of receipt of notification of such denial. [Ord. 22-2009]~~

§11-121. ~~Suspension or Revocation of Rental Registration.~~ [Ord. 22-2009]

1. ~~**Warning Notice Required Prior to Suspension of Rental Registration.** [Ord. 22-2009]~~

- A. ~~Prior to suspension or revocation of a rental license Rental Housing Permit, the Code Official shall provide written notice of violation to the owner of any dwelling unit or rooming unit.~~
- B. ~~The written notice of violation shall inform the owner of the rental property, dwelling unit or rooming unit and the owner's responsible local agent that a written correction plan shall be submitted to the Code Official within 5 days after receipt of the notice of violation. Failure to submit an acceptable correction plan will result in suspension or revocation of all applicable rental registrations Rental Housing Permits.~~
- C. ~~The notice of violation shall inform the owner of the rental property, dwelling unit or rooming unit that the owner may request an informal meeting with the Code Official to discuss the violations within 5 days of the receipt of the notice of violations. Owners requesting a meeting may request that the owner's responsible local agent represent the owner and act on the owner's behalf.~~
- D. ~~This subsection shall be issued in conjunction with and not in lieu of the requisite notices of violations regarding under City of Reading Codes including, but not limited to, the Property Maintenance Code [Chapter 5, Part 6].~~
- E. ~~The notice of violation/warning and notice of suspension or revocation shall be served in accord with the official notice requirements set forth in this Part. Additionally such notices shall be also be served via certified mail return receipt requested with date of receipt determined by date of execution of return receipt. Provided, that should the certified mail be returned as unclaimed and first class mail issued in conjunction with the certified mail not be returned there will be a rebuttable presumption that but for the recipient's refusal of the certified mail, notice was received within five mail (Monday-Saturday) days of date of mailing.~~
- F. ~~No change~~

2. ~~**Suspension or Revocation Procedures.**~~

- A. ~~The Code Official shall notify the owner of the suspension or revocation of a rental license Rental Housing Permit for a dwelling unit or rooming unit by written notice sent by first class mail and certified mail or delivered in person should the certified mail be returned as unclaimed and first class mail issued in conjunction with the certified mail not be returned there will be a rebuttable presumption that but for the recipient's refusal of the certified mail notice was received within five mail (Monday-Saturday) days of date of mailing. The notice shall advise the owner of the property address of the dwelling unit or rooming unit, the effective dates of the suspension or~~

revocation, the reason for the suspension or revocation, the effect of the suspension or revocation, penalties that can be imposed for violation of the suspension and appeal rights and procedures.

~~B. The Code Official shall set forth the effective date of the suspension or revocation in such manner so that suspension or revocation commences on the first day following expiration of the 10 days to file an appeal of the Code Official's determination.~~

~~C. No rental registration Rental Housing Permit shall be renewed for 6 months for the first suspension or revocation and 12 months for each subsequent suspension or revocation within a 5-year period beginning on the effective date of the suspension or revocation. [Ord. 22 2009]~~

~~D. During the time a rental license Rental Housing Permit is suspended or revoked, if any additional violations occur against the dwelling unit or rooming unit, the rental license Rental Housing Permit suspension or revocation may be extended up to an additional 12 months.~~

~~3. **Effect of Suspension.** Upon the commencement of suspension or revocation, the dwelling unit or rooming unit shall be secured by the owner, and no person, firm, or corporation shall operate or rent/ lease to another for residential occupancy any dwelling unit or rooming unit during such time that the rental license for such unit is suspended or revoked. The transfer of the ownership of a rental property by an owner to an entity in which such owner holds an ownership or equity interest will not void the existing violations relating to such rental property or void any existing suspension or revocation relating to such rental property. [Ord. 55-2008]~~

~~4. **Defense.** When tenants and/or occupants are culpable for violations resulting in a suspension notice, the owner may request reinstatement of the rental registration Rental Housing Permit upon eviction of the tenants, provided the owner is current with submission of tenant listings as required by this Part. [Ord. 22 2009]~~

~~5. **Appeal Procedure for Suspension or Revocation Initiated by the Code Official.** An appeal of a suspension or revocation of a rental registration Rental Housing Permit shall be made by submitting the appropriate fee and a request for an appeal to the Housing Board of Appeal in writing to the Administrator of the Property Maintenance Division within 10 days of receipt of the notice of suspension or revocation. [Ord. 22 2009]~~

~~6. **Basis for Suspension or Revocation.** A rental registration Rental Housing Permit shall be suspended or revoked at the discretion of the Administrator of the Property Maintenance Division or his/her designee if egregious, severe, life threatening, health and welfare or repetitive, continued violations of the offenses set forth in subsection (7) exist at the dwelling unit or rooming unit without any attempt to cure or remedy the problem or submission of a timely rehab plan and lack of response to notices of violations issued by the appropriate authority. [Ord. 22 2009]~~

~~7. **Offenses.** For purposes of this Part, offenses are those as set forth, but not limited to, the following ordinances or statutes:~~

~~A. *Occupancy.* Refers to regulations relating to occupancy of rooming units, dwelling units and dwellings as contained in Chapter 5 (Code Enforcement) and Chapter 27 (Zoning) of the Codified Ordinances of the City of Reading.~~

~~B. *Refuse.* Refers to regulations relating to garbage, rubbish and refuse, under the City of Reading Codified Ordinances including, but not limited to, the Property Maintenance Code, Chapter 5, Health Code, Chapter 10 and Solid Waste and Recycling Ordinance, Chapter 20.~~

~~C. *Property Maintenance (Interior and Exterior)*. Refers to regulations as governed by the City of Reading Property Maintenance Code in Chapter 5 of the City of Reading.~~

~~D. *Sidewalks*. Refers to regulations relating to snow and ice removal contained in the Streets and Sidewalks, Chapter 21 of the City of Reading Codified Ordinances.~~

~~I. *Noise*. Refers to regulations relating to Noise Disturbance, and Conduct, Chapter 6 of the City of Reading Codified Ordinances.~~

~~J. *Vegetation*. Refers to regulations relating to Brush, Grass and Weeds, per the City of Reading Codified Ordinances including, but not limited to, the Property Maintenance Code, Chapter 5, and Health Code, Chapter 10.~~

~~K. *Disorderly Conduct*. Refers to enforcement by the City of Reading Police Department of §5503, Crimes Code, Act of Dec. 6, 1972, P.L. 1482, No. 334, 18 Pa.C.S.A. §5503, and Chapter 6, Conduct, of the City of Reading Codified Ordinances.~~

~~L. *Dogs*. Refers to regulations relating to Animals and Health under Chapters 2 and 10 of the City of Reading Codified Ordinances.~~

~~I. *Fire Prevention Code*. Refers to regulations to the City of Reading Fire Prevention Code as provided for in Chapter 5, Code Enforcement, and Chapter 7, Fire Prevention and Protection, of the City of Reading Codified Ordinances.~~

~~J. Zoning violations and related offenses per Chapter 27 of the City of Reading Codified Ordinances.~~

~~K. Violation of Chapter 5 of the City of Reading Codified Ordinances regarding Code Enforcement including, but not limited to, the City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8].~~

~~L. Failure to appear in court and related offenses.~~

~~M. Any other offense that renders the dwelling, unit, or room inhabitable.~~

~~At the discretion of the issuing authority, the City of Reading Property Maintenance Division, the municipality shall have the authority to revoke or suspend the rental rental registration Rental Housing Permit of any rental unit, building, rooming house, or dwelling that is uninhabitable by humans, is in egregious noncompliance with the City of Reading Codified Ordinances including, but not limited to, City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 1], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection, is in pending litigation for violations of the aforesaid Codified Ordinances and/or has been condemned by the authority with jurisdiction. [Ord. 22-2009]~~

~~8. **Immediate Suspension or Revocation.** Placarding and condemning of a property per the City of Reading Property Maintenance Code [Chapter 5, Part 6] shall result in immediate suspension or revocation of a rental registration Rental Housing Permit. Notwithstanding any other provision of this Part, the permit shall be reinstated upon performance of an inspection, payment of the~~

appropriate fee for removal of the placard per the Property Maintenance Code [Chapter 5, Part 6] and submission with the appropriate fee and approval of an application for a rental registration. [Ord. 22-2009]

9. ~~**Suspension and Disruptive Conduct.**~~ Nothing in this Section shall be interpreted to preclude enforcement under the disruptive conduct Section [§11-123] set forth herein.

10. ~~**Reinstatement of Rental Registration Housing Permit Subsequent to Suspension or Revocation.**~~ To obtain reinstatement of a rental registration Rental Housing Permit subsequent to a suspension or revocation and period therefor, an owner must resubmit an application and undergoing the process for an initial application including, but not limited to, undergoing an inspection and payment of the appropriate fee. [Ord. 22-2009]

11. ~~**Notice.**~~

A. ~~**Form.**~~ A notice of a suspension or revocation of a rental registration Rental Housing Permit shall set forth the information required herein and be in a form accordance with all of the following: [Ord. 22-2009]

(1) ~~Be in writing.~~

(2) ~~Include a description of the real estate sufficient for identification.~~

(3) ~~Include a statement of the violation or violations and why the permit is being suspended or revoked.~~

(4) ~~The time period for the suspension or revocation of the permit.~~

(5) ~~Inform the property owner of the right to appeal.~~

§11-122 §11-120. Violation and Penalties Placarding and Condemnation

1. ~~**Violations.**~~ It shall be unlawful for any person, as either owner or local responsible agent of a rental dwelling unit or rooming unit for [which] a rental registration Rental Housing Permit is required, to operate without a valid, current permit issued by the City of Reading authorizing such action. It shall also be unlawful for any person, either owner or local responsible agent, to allow the number of occupants of dwelling unit or rooming unit to exceed the maximum limit as set forth on the license or to violate any other provision of this Part, including, but not limited to, failure to timely submit a tenant listing and renew a rental registration Rental Housing Permit. Further, it shall be unlawful for any occupant to violate this Part. [Ord. 22-2009]

2. ~~**Prosecution of Violation.**~~ If the above violations are not corrected, the Administrator of the Property Maintenance Division or his/ her designee or code official shall institute the appropriate proceeding at law or in equity, to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. Notwithstanding the above, nothing will prevent the Administrator of the Property Maintenance Division or his/ her designee or code official from commencing a summary offense criminal action via the issuance of a nontraffic citation in accord with the Pennsylvania Rules of Criminal Procedures in the court of appropriate jurisdiction and the violation shall be deemed a strict liability offense. [Ord. 22-2009]

3. ~~**Collections.** All bills or accounts governed by this Part which are not paid by May 1 of each year or within 60 days of application from date of application/ original date of billing shall be turned over to a collection agency for receipt.~~
4. ~~**Penalties.** Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$75 and not more than \$500 plus costs and restitution. In default of payment of said fine and costs to a term of imprisonment of not more than 90 days. Each day that violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. Such penalties shall be exclusive of the doubling of the permit fee for untimely payment and submission thereof to collections as well as suspension or revocation of permit for failure to pay.~~

~~**Placarding and Condemning.** The City of Reading Property Maintenance Division is hereby authorized to placard and condemn thereby requiring the immediate vacation, or within the discretion of the Property Maintenance Inspector **Division** a reasonable amount of time vacation, of a property that is being rented for which a registration **Rental Housing Permit** therefor has not been filed with the Property Maintenance Division as required by this Part. [Ord. 22-2009]~~

5. ~~**Nonexclusive Remedies.** The penalty and collection provisions of this Section and the license nonrenewal, suspension and revocation procedures provided in this Part shall be independent, nonmutually exclusive separate remedies, all of which shall be available to the City of Reading as may be deemed appropriate for carrying out the purposes of this Part. The remedies and procedures provided in this Part for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the City in the case of a violation of any other City of Reading Code or Codified Ordinances, whether or not such other code or ordinance is referenced in this Part and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Part.~~

~~**§11-123. Disruptive Conduct.**~~

~~**§11-121. Disruptive Conduct.**~~

1. **Investigation and Report of Disruptive Conduct.** Police officers or public officers shall investigate alleged incidents of disruptive conduct. They shall complete a disruptive conduct report upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrators of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed form. A copy of the disruptive conduct report shall be given or mailed to the occupant and mailed to the owner and local responsible agent within 10 working days of the occurrence of the alleged disruptive conduct.
2. **Appeals.** The occupant, owner or local responsible agent shall have 10 working days from the date of receipt of a disruptive conduct report to appeal the contents of said disruptive conduct report. The appeal shall be made in writing and submitted to the Administrator of the Property Maintenance Division. An appeal of the second disruptive conduct report within a 12-month period shall stop the eviction proceedings against the occupants until the appeal is resolved, only if the eviction proceedings were a direct result of the second disruptive conduct report. [Ord. 22-2009]
3. **Eviction.** After two disruptive conduct incidents in any 12-month period by an occupant documented by disruptive conduct reports, the owner or local responsible agent shall have 10 working days from the date of his/ her receiving the notice to begin eviction proceedings against the occupants. The owner or local responsible agent shall diligently pursue the eviction of the

occupants as required herein. Diligent pursuit of the eviction of said occupants shall include, but not be limited to, prosecution of the eviction proceeding, participation with follow through an appeal and obtain possession of the property. This subsection is not intended to limit or inhibit the owner or local responsible agent's right to initiate eviction

4. Suspension or Revocation of Rental Registration. Failure of an owner or local responsible agent to take action required in subsection (3) above will result in the commencement of the process to suspend a ~~rental registration~~ **Rental Housing Permit** in accordance with ~~per~~ the process established herein, notwithstanding any other requirements therefor. [Ord. 22-2009]
5. Reinstatement of Rental Registration **Housing Permit**. The rental unit involved shall not have its ~~rental registration~~ **Rental Housing Permit** reinstated until the reinstatement fee is paid, ~~and~~ the disruptive occupants have been evicted, the Housing Board of Appeals has ruled in the occupant's favor, the Housing Board of Appeals has ruled in the owner's favor but has not ordered the eviction of the occupant(s), or the occupants have filed an appeal to a higher court thereby preventing their eviction. Notwithstanding this subsection, if there are violations assessed against the owner per the provisions of this Part which require suspension or revocation, a rental registration shall not be reinstated until compliance with the requirements therefor have occurred. [Ord. 22-2009]
7. **Report Against All Occupants**. The content of the disruptive conduct report shall count against all occupants of the rental unit. The content of the disruptive conduct report shall not count against all occupants of the rental unit if the complaint is initiated by one of the rental unit occupants. More than one disruptive conduct report filed against the occupants of a rental unit in a 24-hour period shall count as a single disruptive conduct report for the purpose of the preceding subsection. [Ord. 43-2008]
8. **Maintenance of List of Disruptive Conduct Report Tenants and Occupants and Evicted Occupants**. The Codes Enforcement Office shall maintain a list of the names of all occupants and tenants against whom a disruptive conduct report is issued as a result of this Part. The Property Maintenance Division shall also maintain a list of all occupants and tenants evicted as a result of this Part. The names shall remain on the list for a period of 5 years. [Ord. 22-2009]
9. **Appeals**. Any person aggrieved by any decision of a police officer or public officer in regard to a disruptive conduct report or the revocation of a rental registration resulting therefrom may appeal to the Housing Board of Appeals. Such appeal must be filed with the appropriate fee with the Administrator of the Property Maintenance Division in writing, within 10 working days from the date of receipt of the disruptive conduct report or notice of revocation.

[Ord. 22-2009](Ord. 28-2007, 7/ 23/ 2007, §1; as amended by Ord. 43-2008, 8/ 25/ 2008, §§1 and 2; by Ord. 55-2008, 9/ 22/ 2008, §1; by Ord. 65-2008, 10/ 13/ 2008, §1; and by Ord. 22-2009, 4/ 27/ 2009, §§2-4)

~~§11-124. Housing Board of Appeals.~~

§11-122. Housing Board of Appeals.

1. **Appeals**. Any person aggrieved by any decision of a police officer or public officer in regard to a disruptive conduct report or the suspension, nonrenewal, denial or revocation of a ~~rental registration~~ **Rental Housing Permit** may appeal to the housing Board of Appeals. Such appeal must be filed, in writing, with the Administrator of the Property Maintenance Division, with the appropriate filing fee within 10 working days from the date of receipt of the disruptive conduct report or notice of revocation. [Ord. 22-2009]

2. **Organization.**

- A. **Membership.** The Housing Board of Appeals shall be a body of seven members consisting of: the Managing Director or his/ her designee who shall serve as Chairperson; a Councilperson, Administrator of the Property Maintenance Division or their designee; the Chief of Police or his/ her designee; an owner or local responsible agent of a rental unit(s) in Reading; an occupant of a rental unit residing in the City of Reading; and a member of a community group recognized by the City of Reading. [*Ord. 22-2009*]
- B. **Alternates.** There shall be three alternate members: an owner or local responsible agent, an occupant of a rental unit residing in the City of Reading and a member of a community group recognized by the City of Reading.
- C. **Appointment.** All members of the Board shall be appointed by the Mayor with the advice and consent of the Council of the City of Reading, with the exception of the Council Member, who shall be appointed by the Council President.
- D. **Term.** A member or alternate member shall serve a term of not more than 3 years from the time of appointment or reappointment or until his/ her successor shall take office. Members and alternates of the initial board shall be appointed to staggered terms of 1, 2 and 3 years.
- E. **Powers of Designee and Alternates.** Designees and alternate members may be requested to attend meetings in absence of a regular member and shall have all the powers of a regular member at such meetings.
- F. **Oaths and Subpoenas.** The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties. [*Ord. 43-2008*]
- G. **Quorum and Majority Vote.** Four members shall constitute a quorum of the Board. A majority vote of the members of the quorum of the Board shall prevail. A tie vote shall be deemed as a denial of the appeal. [*Ord. 43-2008*]
- H. **Removal of Members.** Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days advance notice of the intent to take such vote. Failure of a member to attend three consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position. [*Ord. 64-2010*]

3. **Powers.** The Board shall have the following powers:

- A. **Promulgate Rules and Regulations.** To adopt and administer the rules of procedure regarding its organization, officers (except the Chairperson), times and places of meetings, conduct of meetings and other legal procedures relating to the hearing and determination of appeals and other matters within the Board's jurisdiction.

- B. **Hear and Decide Appeals.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the police officer or public officer in the enforcement of the provisions of this Part.
 - C. **Grant Modification or Variance.** To modify any notice of violation or order and to authorize a variance from the terms of this code when because of special circumstances, undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of the Code.
 - D. **Grant Extension of Time.** To grant a reasonable extension of time for the compliance, as described in the City's Property Maintenance Code [Chapter 5, Part 6] and other applicable sections of the City of Reading Codified Ordinances of any order where there is a demonstrated case of hardship and evidence of bona fide intent to comply within a reasonable time period.
 - E. **Timeliness.** In exercising the above-mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall file its decision within 10 working days after the appeal hearing.
 - F. **Oaths and Subpoenas.** The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by parties. [Ord. 43-2008]
 - G. **Authority.** The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as justice would require, and, to that end, shall have all the powers of the police officer or public officer; provided, however, that the Housing Board of Appeals, in its determination, shall be bound by this Part and shall not ignore the clear provisions and intent of this Part. [Ord. 43-2008]
4. **AEffect of Appeals.** Any decision or order issued under, per and in accord with this Part, shall be held in abeyance upon the timely filing of an appeal thereof with the Housing Board of Appeals. Said abeyance shall include, but not be limited to, revocation, suspension, denial or nonrenewal of a ~~rental registration~~ **Rental Housing Permit** until the appeal is resolved. An appeal of the two disruptive conduct reports within a 12-month period shall stop the eviction proceedings against the occupants until the appeal is resolved, only if the eviction proceedings were a direct result of the second disruptive conduct report. [Ord.22-2009]
 5. **Enforcement upon Resolution of Appeal of Housing Board.** If this appeal is of a second disruptive conduct report and the decision of the police officer or public officer has been affirmed, within 10 working days and time for compliance as required by the decision of the Housing Board of Appeals, the public officer shall re-inspect to determine compliance as to whether the occupant has voluntarily moved from the premises or the owner has initiated eviction proceedings. If, when so required by a second disruptive conduct report, the occupant has not voluntarily moved or the owner has not initiated eviction proceedings, and for compliance as required by the decision of the Board has expired, the public officer shall institute revocation of the ~~rental registration~~ **Rental Housing Permit** ~~per~~ pursuant to the provisions set forth in this Part.
 6. **Enforcement upon Resolution of Appeal of Housing Board.** If this appeal is of a second disruptive conduct report and the decision of the police officer or public officer has been affirmed, within 10 working days and time for compliance as required by the decision of the Housing Board of Appeals, the public officer shall reinspect to determine compliance as to whether the occupant has voluntarily moved from the premises or the owner has initiated eviction proceedings. If, when so

required by a second disruptive conduct report, the occupant has not voluntarily moved or the owner has not initiated eviction proceedings, and for compliance as required by the decision of the Board has expired, the public officer shall institute revocation of the rental registration per the provisions set forth in this Part. [*Ord.22-2009*] [*Ord. 43-2008*]

The number of the following sections of this Chapter are hereby changed as follows:

~~§11-125. Appeal to Court of Common Pleas.~~

§11-123. Appeal to Court of Common Pleas.

~~§11-126. Share Information.~~

§11-124. Share Information.

~~§11-127. Compliance with Other City of Reading Ordinances~~

§11-125. Compliance with Other City of Reading Ordinances

Repeal of Chapter 11, Part 1, Exhibit A.

Chapter 11, Part 1, Exhibit A of the codified ordinances of the City of Reading, enacted as part of Ordinance 61-2007 and as part of Ordinance 22-2009, is hereby repealed.

**BILL NO. _____-2011
A N O R D I N A N C E**

**AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 27, ZONING
SECTION §27-201 B ZONING ADMINISTRATOR DUTIES AND SECTION 27-408
APPLICATIONS RELATING TO THE 2012 AMENDMENT TO THE HOUSING PERMIT
ORDINANCE AND SECTION 27-416 APPEALS**

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 27, Zoning Section §27-201 B Zoning Administrator Duties as follows:

Section §27-201 Zoning Administrator

B. Duties. The Zoning Administrator shall:

1. Administer this Chapter in accordance with its literal terms.

2. Be available to register nonconforming lots, uses, and structures, upon request of the owner or leasee.
3. Receive and examine all applications required under this Chapter.
4. Issue or refuse permits after receiving a complete application, except as specifically provided in this Chapter.
5. Prepare agendas, schedules and information packets for Zoning Hearing Board meetings.
6. Receive complaints of violations of this Chapter.
7. Issue an enforcement notice to any person violating any provision of this Chapter, and institute civil enforcement proceedings as a means of enforcing this Chapter, as hereinafter set forth.
8. Keep records of applications and permits issued for actions of the Zoning Hearing Board, complaints received, inspections made, reports rendered, and notice or orders issued. Such records shall be and are the property of the City, and shall be available for the use of the Zoning Hearing Board, City Council, other City officials and staff, and City residents.
9. Make all required inspections and perform all other duties as called for in this Chapter.
10. Have the authority to enter, at any reasonable hour, any structure, premises or land in the City to enforce the provisions of this Chapter, within the limitations of State law. If refused entry, the Zoning Administrator shall have the authority to seek an Administrative Warrant.
11. Complete such other roles as provided in this Chapter.

12. With the enactment of Bill No. ___, Section 11-104, 2 the Zoning Administrator shall perform the following duties to resolve the backlog of properties that exist in 2011 as follows. When the list of backlog properties is rectified, the Zoning Administrator shall no longer undertake these duties.

The Zoning Administrator shall make an initial determination as to whether the subject property is located within a zoning district where multi-family rental use is legally permitted as an allowed use or a use previously approved as a Conditional Use pursuant to subsection D of §27-1203 of the Zoning Ordinance, as amended.

- (j) If the Zoning Administrator determines that the subject property is located within a zoning district where multi-family rental use is legally permitted in accordance with the foregoing provisions in Subsection A it will be granted a zoning permit as a legally permitted use under the applicable zoning, subject to subsection B hereunder, and it will be required to comply with all of the provisions of this Chapter and any other applicable chapters as verified upon inspection by the Property Maintenance Division.*
 - (jj) If the subject property had a valid Housing Permit as of December 31, 2007 but is determined to be located within a zoning district where multi-family rental use is not legally permitted in accordance with the foregoing provisions in Subsection A it will be granted a zoning permit as a prior "non-conforming use" by the Zoning Administrator within the meaning of subsection B of §27-607 of the Zoning Ordinance and remain eligible for a Rental Housing Permit provided it conforms to the remaining requirements of the City of Reading Codes and Codified Ordinances.*
- D. The Zoning Administrator shall make a secondary determination as to whether the number of dwelling units present exceeds the number of units previously recorded for the premises in City records. A Rental Housing Permit will be denied until the property is modified to comply with the number of units previously recorded.*

- E. A zoning permit issued by the Zoning Administrator in accordance with Sections A and B hereinabove shall satisfy the requirements of §11-104 1.G. and the issuance of a Rental Housing Permit shall be subject to compliance with the remaining provisions of §11-104 1.*

SECTION 2. Amending the City of Reading Codified Ordinances Chapter 27-408 Applications as follows:

§27-408 Applications.

Every application for a variance, special exception, *conditional use* or interpretation of a ruling of the Zoning Administrator shall be made in writing on a form prepared by the Zoning Hearing Board, *or in the case of Conditional Use by the City Council Office. Such application for variance, special exception or interpretation of the zoning ordinance shall be filed with the Board. Such application for conditional use shall be filed with the Zoning Administrator and when the application is deemed complete it shall be forwarded to the Council office* and shall include the following:

- A. The name, address and signature of the applicant or appellant.
 - B. The name and address of the owner of the property.
 - C. A brief description and location of the property to be affected by such proposed change or appeal.
 - D. A statement of the present zoning classification of the property in question and the present use thereof.
 - E. A reasonably accurate description of the new construction, additions or changes intended to be made under this application indicating the size, height and uses of such proposed improvements. A plot plan of the property to be affected, indicating the location and size of the lot and the size of existing and intended improvements, shall be attached to the description. Plot plans shall be clear, legible and accurately drawn to scale.
 - F. Submittal of appropriate fees.
- (Ord. 47-2010, 7/26/2010, §1)

SECTION 3. Amending the City of Reading Codified Ordinances Chapter 27-416 Appeals as follows:

§27-416 Appeals

1. All appeals for securing review of this Chapter or any decision, determination or order of this Board or of City Council, or of any of the City's agencies or officers issued pursuant to this Chapter, shall be in conformance with the Municipalities Planning Code, as amended, 53 P.S. §10101 *et seq.*
2. Questions of an alleged defect in the process of enactment or adoption of this Chapter or the Zoning Map(s) associated herewith shall be raised by an appeal taken directly from the action of City Council to the Berks County Court of Common Pleas filed no later than 30 days from the effective date of such ordinance or map.

3. No person may file a new zoning application of any type with the Zoning Administrator if there is currently an appeal or litigation relating to any part of the zoning ordinance for the same property pending before the Zoning Hearing Board or any part of the Court system.

SECTION 4. All other parts of the Ordinance remain unchanged.

SECTION 5. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted _____, 2011

President of Council

Attest:

City Clerk

(Council Office)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. ____-2011

AN ORDINANCE AMENDING THE CITY OF READING FEE SCHEDULE BY REDUCING THE ANNUAL RENTAL REGISTRATION FEE.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading Fee Schedule by reducing the annual rental registration fee from \$100 per unit to \$100 per parcel.

SECTION 2. All other parts of the Ordinance remain unchanged.

SECTION 3. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted _____, 2011

Council President

Attest

City Clerk

Submitted to the Mayor: _____
Date: _____

Received by Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____